

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO

In the Matter of:

JESUS JASIEL JIMENEZ HUERTAS
SSN: xxx-xx-2879

Debtor

Case No. 13-04969 (ESL)

Chapter 13

OBJECTION TO CONFIRMATION OF DEBTOR'S CHAPTER 13 PLAN
DATED JUNE 16TH 2013 (DOCKET NO. 2)

TO THE HONORABLE COURT:

COMES NOW creditor POPULAR AUTO, INC., represented by the undersigned attorney, and hereby objects to the proposed chapter 13 plan on the following grounds:

1. On June 16th 2013, the above named debtor filed a Bankruptcy petition under Chapter 13 of Title 11 of the United States Code.
2. Popular Auto is a secured creditor of the above named debtor pursuant to 11 U.S.C. §101(10) and therefore, a party in interest in the instant proceeding.
3. On February 19th 2011, debtor Jesus Jimenez Huertas subscribed with appearing creditor a Conditional Sales Contract, account no. xxx-xxx-xxxxxxx-0001, regarding a 2005 Mitsubishi Outlander LS. The contract was payable in one (1) initial monthly installment of \$362.42 and fifty-three (53) consecutive monthly installments of \$292.42 each that will expire by its own terms on August 19th 2015.

Objection to Confirmation
Case No. 13-04969 (ESL)
By: Popular Auto
July 9, 2013
Page No. 2

4. On June 28th 2013, appearing creditor filed a secured claim in the amount of \$7,923.92. See proof of claim no. 3.
5. Debtor's proposed Chapter 13 Plan dated June 16th 2013 (docket no. 2), calls for sixty (60) payments of \$475.00 for a total base of \$28,500.00. The plan provides for the trustee to pay attorney's fees in the amount of \$2,600.00 through the plan; payment "In Full" to Empresas Berrios and Reliable; the surrender of collateral to Reliable; and pro-rata distribution to all general unsecured creditors.
6. **Debtor's proposed Chapter 13 plan has no provision for Popular Auto's secured claim.** Section 1325(a)(5) of the Bankruptcy Code, 11 U.S.C. §1325(a)(5), clearly states that the plan must provide for each secured claim and that the holder of such claim has accepted the plan.
7. Popular Auto submits that the proposed Chapter 13 plan dated June 16th 2013 does not comply with §1325(a)(5) of the Bankruptcy Code.

WHEREFORE, creditor POPULAR AUTO, INC., respectfully requests this Honorable Court to deny the approval of the proposed plan for the reasons stated in the foregoing motion.

NOTICE IS HEREBY GIVEN THAT WITHIN TWENTY-ONE (21) DAYS AFTER SERVICE AS EVIDENCED BY THE CERTIFICATION, AND AN ADDITIONAL THREE (3) DAYS PURSUANT TO FED. R. BANK. P. 9006(f) IF YOU WERE SERVED BY MAIL, ANY PARTY AGAINST WHOM THIS PAPER HAS BEEN SERVED, OR ANY OTHER PARTY TO THE ACTION WHO OBJECTS TO THE RELIEF SOUGHT HEREIN, SHALL SERVE AND FILE AN OBJECTION OR OTHER APPROPRIATE RESPONSE TO THIS PAPER WITH THE CLERK'S OFFICE OF THE U.S. BANKRUPTCY COURT FOR THE DISTRICT OF PUERTO RICO. IF NO OBJECTION OR OTHER RESPONSE IS FILED WITHIN THE TIME ALLOWED HEREIN, THE PAPER WILL BE DEEMED UNOPPOSED AND MAY BE GRANTED UNLESS: (i) THE REQUESTED RELIEF IS FORBIDDEN BY LAW; (ii) THE REQUESTED RELIEF ITS AGAINST PUBLIC POLICY; (iii) IN THE OPINION OF THE COURT, THE INTEREST OF JUSTICE REQUIRES OTHERWISE.

Objection to Confirmation
Case No. 13-04969 (ESL)
By: Popular Auto
July 9, 2013
Page No. 3

CERTIFICATE OF SERVICE

I HEREBY CERTIFY: That on July 9th 2013, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System which will send notification of such filing to the following: Mr. Juan O. Calderon Lithgow, Esq., Attorney for debtor; Mr. Alejandro Oliveras Rivera, Esq., Chapter 13 Trustee; and I hereby certify that I have mailed by the United States Postal Service the document to the following non CM/ECF participants: Mr. Jesus J. Jimenez Huertas, Debtor, Parcelas Marques, 8 Calle Higuera, Manati, P.R. 00674.

Respectfully submitted in San Juan, Puerto Rico, this 9th day of July, 2013.

s/ EDGAR A. VEGA RIVERA
EDGAR A. VEGA RIVERA, ESQ.
USDC- PR 212210
Attorney for Popular Auto
Consumer Bankruptcy Department
PO Box 366818
San Juan, Puerto Rico 00936-6818
Tel. (787) 753-7849; Fax. (787) 751-7827
E-mail: edvega@bppr.com